

HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY
TAMRA PAWLOSKI - 01/18/2019

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MINNESOTA

3 -----x

4 FAIR ISAAC CORPORATION, a Delaware
corporation,

5 Plaintiff,

6 Case No. 16-cv-1054

7 v.

8 FEDERAL INSURANCE COMPANY, an
Indiana corporation, and ACE
9 AMERICAN INSURANCE COMPANY, a
Pennsylvania corporation,

10 Defendants.

11 -----x

12 8:30 a.m.
January 18, 2019

13 767 Third Avenue
14 New York, New York

15 * CONFIDENTIAL *

16 DEPOSITION of TAMRA PAWLOSKI, a Plaintiff
17 in the above entitled matter, pursuant to Notice,
18 before Stephen J. Moore, a Registered Professional
19 Reporter, Certified Realtime Reporter and Notary
20 Public of the State of New York.

21

22 Job No. MP-204293

EXHIBIT

6

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		Page 46			Page 48
1	Q	Sure, so the contracts in 238	1	Q	So all of the FICO contracts
2		and 239, they were negotiated, handled, signed	2		would be stored in the Ariba system.
3		just by the business unit, and a lawyer from	3		To answer the question of the
4		Chubb & Sons didn't get in the middle and	4		scope of the license for Blaze Advisor, what
5		review it while it was being finalized?	5		contract would you look at, if you recall?
6	A	Correct, because it was on the	6	A	I would pull the master
7		template.	7		contract, whatever was listed in there.
8	Q	Exactly.	8	Q	The master services contract or
9	A	Yes.	9		the master?
10	Q	So it is true that legal at	10	A	The master license agreement.
11		Chubb & Sons does not read every single	11		MS. KLIEBENSTEIN: I'm handing
12		contract that Chubb & Sons entered into?	12		you what's been marked as 241.
13	A	As long as it's a template that	13		(The above described document was
14		they have approved; correct.	14		marked Exhibit 241 for identification as
15	Q	Let me know if you need a break	15		of this date.)
16		at any time?	16	Q	Are you familiar with this
17	A	Okay.	17		e-mail?
18	Q	I am handing you what's been	18	A	Now that I'm looking at it, yes.
19		marked as Exhibit 40, I'm not going to ask you	19	Q	In the back of this e-mail
20		questions about it now, I just -- I may, I	20		chain, Andrew Millyard e-mailed you to ask
21		think you've seen it before, Terry.	21		about the scope of the Fair Isaac Blaze Advisor
22		MR. FLEMING: I have.	22		license, is that correct?
		Page 47			Page 49
1	Q	Do you recall while you were at	1	A	That's correct.
2		Chubb & Sons, were you ever asked about the	2	Q	And Andrew Millyard was a
3		scope of the license for Blaze Advisor?	3		businesses analyst for Chubb Insurance Company
4	A	I was.	4		of Europe S.A., is that right?
5	Q	When you would get asked that	5	A	That's correct.
6		question, did you have a general protocol you	6	Q	Do you recall what his job roles
7		would follow to answer it?	7		were.
8	A	I would go back to the Ariba	8		What did he do?
9		system and pull the contract.	9	A	He was on the IT side.
10	Q	And there are a number of	10	Q	In Europe, right?
11		contracts that Chubb had with FICO, correct?	11	A	Correct.
12	A	That's correct.	12	Q	And you responded to him on
13	Q	And all of these would be stored	13		November 6, 2008, "Andrew, I'm still getting
14		in the Ariba system?	14		you the answers below. The agreement is longer
15	A	Yes.	15		than I anticipated and getting answers to your
16	Q	You know what, I see the word	16		questions is taking a lot more digging."
17		Novatus System?	17		Do you recall when you got this
18	A	Ariba, Novatus, it's the same	18		request what was the first step that you took
19		thing.	19		to try to answer the question about the scope
20	Q	So all the contracts --	20		of the Blaze Advisor license?
21	A	Novatus was purchased by Ariba;	21	A	I went to the system to look to
22		so --	22		see what was in there.

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1	Q	And do you remember what you	1 but -- but I couldn't find it, this was the
2	saw?		2 only document that I had found at the time.
3	A	The master agreement.	3 I was newer to the company, so I
4	Q	The master license agreement?	4 was there less than a year, and I -- I'm sure I
5	A	Yes.	5 grabbed this and took a look at it.
6	Q	And I have handed you Exhibit	6 MS. KLIEBENSTEIN: I am handing
7	240.		7 you what's been marked as Exhibit 242.
8		(The above described document was	8 (The above described document was
9		marked Exhibit 240 for identification, as	9 marked Exhibit 242 for identification as
10		of this date.)	10 of this date.)
11	Q	Is that the document that you	11 Q Are you familiar with this
12	saw?		12 e-mail?
13	A	Yes.	13 A I am after looking at it, I
14	Q	You went into the system, you	14 wasn't familiar -- I mean I knew I had to have
15	found the license agreement, then what did you		15 wrote it, so --
16	do?		16 Q Below I see on May 21, 2009, you
17	A	I responded based upon Exhibit A	17 were asked to confirm whether the Blaze IDE
18	in the agreement attached here.		18 developer tool licensing for Henry and Patrick
19	Q	You responded to whom?	19 Sullivan?
20	A	I responded to Andrew's	20 A Yes.
21	questions.		21 Q What was your response to that
22	Q	And what was your answer?	22 e-mail?
Page 51			Page 53
1	A	In accordance with Exhibit A,	1 A I sent him the amendment number
2	they were five seats and it was for the --		2 2.
3	what's the definition of the application.		3 Q And before we get to amendment
4	And I went by the license grant,		4 number 2 let's look at the first page, the one
5	so shared with him what I found from this		5 marked FED 011791, what am I looking at here.
6	contract.		6 Is this a printout from the
7	So if you take a look right, I		7 Ariba system?
8	think that's -- so I didn't see any worldwide		8 A No, the Ariba system we didn't
9	license grant, five seats, yes.		9 actually institute, this was prior, so this was
10	And the product was Blaze		10 a system that was in place prior to me coming
11	Advisor only.		11 there.
12	Q	So you mentioned there was no	12 So I'm not sure exactly what
13	worldwide license grant, are you looking at		13 system they used; but it wasn't the Ariba
14	section 2.1?		14 system.
15	A	Correct.	15 Q So what information is -- what
16	Q	In your November 6th response to	16 information am I looking at an on this page?
17	Andrew, you mentioned that getting the answers		17 A Oh, this would tell us who the
18	to your questions is taking a lot more digging.		18 business partner was and then a high level, so
19	What digging were you doing?		19 this was a summary of the negotiations done by
20	A	Because I was told that there	20 Jim Black.
21	was an enterprise agreement on this one and		21 So if you see here it says Chubb
22	I -- so there had to be some other e-mails,		22 vendor manager contact, that was the person who

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1	was in my role, so he used to be -- I replaced	1 not answer that direct question.
2	him, that's probably the best way to say it.	2 Q You never did?
3	Q Who would have filled out the	3 A No. I don't know what IDE meant
4	data in this template?	4 at the time.
5	A Jim.	5 Q Looking at FED 011791_0002, are
6	Q When would he have done that?	6 you familiar with this document?
7	A When he completed the	7 A Yes.
8	negotiations, so I guess it was around December	8 Q And this is an amendment to the
9	of 2016 -- 2006.	9 Fair Isaac software license and software
10	Q And I see that you in response	10 agreement related to Blaze, correct?
11	to Patrick Sullivan, you attached a copy of the	11 A Yes.
12	amendment, an amendment, but I'm asking you a	12 Q It's dated -- it's executed in
13	different question.	13 2006, correct?
14	What was your response, did you	14 A Yes.
15	advise Patrick that the work that Henry and	15 Q Would a copy of this amendment
16	Patrick wanted to do, that they were licensed	16 have been in the Ariba system?
17	or they weren't licensed?	17 MR. FLEMING: At what time?
18	A I did not provide any input at	18 Foundation.
19	this time, I just gave him a copy of the	19 Q Flipping to -- flipping to
20	amendment, so I didn't give any opinion on	20 Exhibit 241, that request from Andrew Millyard
21	here.	21 to you in 2008, at that time would the second
22	Q Did you give him an opinion at a	22 amendment that we see in Exhibit 242, would
Page 55		Page 57
1	later date?	1 that have been in the Ariba system at that
2	A I'm sure I did.	2 time?
3	Q And do you recall what your	3 A I don't recall if it was or
4	opinion would have been, was it a yes or a no?	4 wasn't. Jim had a tendency not putting all of
5	A A yes or no to what, sorry?	5 his documents in, I had to go find them.
6	MR. FLEMING: Is the question	6 Q Do you recall a point in time
7	whether she did give an opinion?	7 when this amendment 2 was in the Ariba system?
8	MS. KLIEBENSTEIN: I will ask it	8 A Yes.
9	again.	9 Q What time was that?
10	Q Do you recall whether you	10 A After I had done my research,
11	informed Mr. Sullivan that, in fact, in	11 and I will be honest, Mark Berthume called me
12	response to his May 21st, 2009 request, that	12 and said I have an enterprise agreement, let me
13	there was Blaze IDE developer tool licensing	13 send you the copy of the documents.
14	for him and Henry Mirolyuz?	14 So that's why I am surprised
15	A Yes.	15 there is not another e-mail.
16	Q You know, I think I will ask it	16 Q When did Mark make that phone
17	a different way again.	17 call to you?
18	A That's okay.	18 A After I had sent that e-mail
19	Q So, the very bottom request,	19 that stated it was only for five seats, he
20	from Patrick to you, did you ultimately answer	20 corrected me.
21	that request with a yes or no?	21 Q And the e-mail you are referring
22	A No, I sent him the copy, I did	22 to is Exhibit 241?

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1	A	Oh, yes.	1	Q	And then at the very top is an
2	Q	Sticking with 242 for just a	2	e-mail from Russ Hodey to Andrew Millyard	
3		minute longer, I see in Patrick's May 21st,	3	stating, "Andy, right approach and some good	
4		2009 e-mail to you, "We are sure we can deploy	4	questions, but please hold fire with any	
5		the server and repository."	5	further comes on this until we have spoken.	
6		Do you know what that meant?	6	This could stir up all sorts of politics."	
7		What does deploy the server and repository	7	Were there any political issues	
8		mean?	8	within Chubb about enterprise licensing?	
9	A	I know what deploy means, it	9	MR. FLEMING: Objection,	
10		means issue the software -- install the server	10	foundation.	
11		on to the software, but I'm not quite sure what	11	A No.	
12		exactly he meant specifically about the	12	Q So you don't know what Mr. Hodey	
13		repository.	13	might have been referring to in this e-mail?	
14	Q	You just said install the server	14	MR. FLEMING: Same objection.	
15		on to the software?	15	A No.	
16	A	The software on to the server,	16	Q I am handing you what's been	
17		sorry; I apologize.	17	marked as Exhibit 244.	
18		THE WITNESS: In about ten	18	(The above described document was	
19		minutes can we take a break.	19	marked Exhibit 244 for identification, as	
20		MS. KLIEBENSTEIN: Why don't we	20	of this date.)	
21		take one right now.	21	Q Are you familiar with this	
22		THE VIDEOGRAPHER: The time is	22	e-mail string?	
Page 59			Page 61		
1		9:53 a.m. and we are going off the	1	A I actually don't recall this	
2		record.	2	one.	
3		(At this point in the proceedings	3	Q This is an e-mail string between	
4		there was a recess, after which the	4	you, Dean Lawton and Russell Hodey in the	
5		deposition continued as follows:)	5	October 2008 time period, correct?	
6		THE VIDEOGRAPHER: This is the	6	A Yes.	
7		start of media labeled number 2, the	7	Q And do you have any reason to	
8		time now is 10:03 a.m. and we are back	8	believe that this is not a true and accurate	
9		on the record.	9	scope of that e-mail correspondence?	
10	Q	I handed you Exhibit 243, Ms.	10	A Oh, no.	
11		(The above described document was	11	Q Now moving back to the very	
12		marked Exhibit 243 for identification as	12	first e-mail in this exhibit dated October 16,	
13		of this date.)	13	2008, you reached out to Russ and Dean to do an	
14			14	informal survey of sorts, is that right?	
15	Q	This is an e-mail string from	15	A Yes.	
16		2008.	16	Q And what was your informal	
17		Focusing on the -- when you turn	17	survey about?	
18		to the second page, you will see that same 2008	18	A It was to find out how we can	
19		e-mail from Andrew Millyard to you asking about	19	support the zones better.	
20		the scope of the Blaze Advisor license; do you	20	Q When you say zones, what are you	
21		see that?	21	referring to?	
22	A	I do see that.	22	A The regions, so yeah, the	